

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Shah-Nazaroff, *et al.*

Application No.: 09/580,305

Filed: May 26, 2000

For: Method and Apparatus for Ordering
Entertainment Programs from Different
Programming Transmission Sources

Examiner: Jason P. Salce

Art Unit: 2421

Confirmation No.: 9133

Mail Stop Appeal Brief-Patents
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NON-COMPLIANT APPEAL BRIEF

TO THE HONORABLE COMMISSIONER FOR PATENTS:

Appellants hereby submit this amended "Summary of the Claimed Subject Matter" in support of their Appeal from a final decision by the Examiner in the above-captioned case, and in response to the Notification of Non-Compliant Appeal Brief mailed July 14, 2009. As stated in MPEP § 1205.03(B), when a Brief is defective due solely to the summary of the claimed subject matter, "[a]n entire brief need not, and should not be filed."

The Brief was rejected due to its failure to argue each independent claim separately, "The 'Summary of Claimed Subject Matter' fails to argue each independent claim separately, which shall refer to the specification by page and line number and to the drawings, if any, as set forth in 37 § 41.37(c)(1)(v)."

Appellants believe that the alleged defects in the Brief have been corrected and that the Brief is now in condition for docketing before the Board.

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APPEAL BRIEF

CORRECTED "SUMMARY OF THE CLAIMED SUBJECT MATTER"
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

To the Honorable Commissioner for Patents:

Applicants (hereinafter "Appellants") hereby submit this amended section entitled "Summary of the Claimed Subject Matter" in support of their Appeal from a final decision by the Examiner in the above-captioned case. Appellants respectfully request consideration of this Appeal by the Board of Patent Appeals and Interferences for allowance of the claims in the above-captioned patent application.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

Independent claim 1 is directed towards a method comprising: receiving, by a server system, a selection to buy an upgraded media feature for a programming transmission from a client system via a first communication media (p.2 ll.10-11; p.4 ll.3-5; p.7 ll.18-19; p.8 ll.1-11; p.9 ll.21-22; and p.13 ll.8-9; see also FIG. 1-4); automatically coordinating purchase, by the server system, of the upgraded media feature for the programming transmission with one of a plurality of programming transmission sources via a second communication media, the first communication media being different than the second communication media (p.4 ll.4-5; p.7 ll.19-21; and p.8 ll.12-18; see also FIG. 1-4); and automatically coordinating provision of the upgraded media feature for the programming transmission, the programming transmission and the upgraded media feature to be provided from the one programming transmission source to the client system via a third communication media, the third communication media being different than the first and second communication media (pp.7 ll.20-21; p.8 ll.1-11; and p.10 ll.1-4; see also FIG 1-4). In particular, please refer to the disclosure on page 6 line 7 to page 7 line 16 for embodiments of the upgraded media features.

Independent claim 8 is directed towards a method of sending, by a client system, a selection to buy an upgraded media feature for a programming transmission to a server system via a first communication media to enable the server system to coordinate provision of the upgraded media feature with one of a plurality of programming transmission sources via a second communication media, the first communication media different than the second communication media (p.2 ll.10-11; p.4 ll.3-5; p.7 ll.18-19; p.8 ll.1-11; p.9 ll.21-22; and p.13 ll.8-9; see also FIG. 1-4)); and receiving the programming transmission with the upgraded media feature from the one programming transmission source via a third communication media, the third communication media different than the first and second communication media (p.8 ll.1-11; p.13 ll.11-13; and p.16 ll.20-24; see also FIG. 1-4, and 6).

Independent claim 14 is directed towards a machine readable storage medium (Figure 7, mass storage 720, system memory 714, p. 19 ll.3-4), having stored thereon machine readable instructions (p.19 ll.3-4), execution of said machine readable instructions to implement a method comprising, receiving, by a server system, a selection to buy an upgraded media feature for a

programming transmission from a client system via a first communication media (p.2 ll.10-11; p.4 ll.3-5; p.7 ll.18-19; p.8 ll.1-11; p.9 ll.21-22; and p.13 ll.8-9; see also FIG. 1-4); automatically coordinating purchase, by the server system, of the upgraded media feature for the programming transmission with one of a plurality of programming transmission sources via a second communication media, the first communication media being different than the second communication media (p.4 ll.4-5; p.7 ll.19-21; and p.8 ll.12-18; see also FIG. 1-4); and automatically coordinating provision of the upgraded media feature for the programming transmission, the programming transmission and the upgraded media feature to be provided to the client system via a third communication media, the third communication media being different than the first and second communication media (pp.7 ll.20-21; p.8 ll.1-11; and p.10 ll.1-4; see also FIG 1-4).

Independent claim 18 is directed towards a machine readable storage medium (Figure 7, mass storage 720, system memory 714, p. 19 ll.3-4), having stored thereon machine readable instructions (p.19 ll.3-4), execution of said machine readable instructions to implement a method comprising, sending, by a client system, a selection to buy an upgraded media feature for a programming transmission to a server system via a first communication media to enable the server system to coordinate provision of the upgraded media feature and the programming transmission with one of a plurality of programming transmission sources via a second communication media, the first communication media different than the second communication media (p.2 ll.10-11; p.4 ll.3-5; p.7 ll.18-19; p.8 ll.1-11; p.9 ll.21-22; and p.13 ll.8-9; see also FIG. 1-4)); and receiving the programming transmission with the upgraded media feature from the one programming transmission source via a third communication media, the third communication media different than the first and second communication media (p.8 ll.1-11; p.13 ll.11-13; and p.16 ll.20-24; see also FIG. 1-4, and 6).

Independent claim 25 is directed towards an apparatus comprising a receiver to receive, via a first communication media, a selection to buy an upgraded media feature for a programming transmission (Fig. 3 Element 310), a purchasing unit to automatically coordinate purchase of the upgraded media feature for the programming transmission from one of a plurality of programming transmission sources via a second communications media, the first

communication media different than the second communication media (Fig.3 Element 330), and a provision unit to automatically coordinate provision of the upgraded media feature for the programming transmission (Fig.3 Element 330 with the one programming transmission source, the programming transmission and upgraded media feature to be provided via a third communication media, the third communication media different than the first and second communication media. Support for the above recitations may also be found in Figure 1.

Independent claim 26 is directed towards an apparatus comprising a sending unit to send a selection to buy an upgraded media feature for programming transmission to a server system via a first communications media to enable the server system to coordinate provision of the upgraded media feature with one of a plurality of programming transmission sources via a second communication media, the first communication media different than the second communication media (Fig. 2 Element 210), and a receiving unit to receive the programming transmission from the one programming transmission source via a third communication media, the third communication media different than the first and second communication media (Fig. 2 Element 230). In depth support for the above recitations is also provided, with reference to Fig. 6, from page16 line 20 to page 18 line 6.

In summary, the claimed subject matter provides an improved method and apparatus for selecting/receiving upgraded media features for programming transmissions. Information regarding a plurality of entertainment programs and upgraded media features are received by a client system. A server system receives, from the client system, a selection of an upgraded media feature for a particular programming transmission and automatically coordinates purchase and provision of the upgraded media feature and programming transmission from one of many programming transmission sources. The entertainment program selection together with one or more upgraded media feature selections are transmitted to the client system (See Fig. 4, block 460).

CONCLUSION

Appellant respectfully submits that section five of the Appellant's Appeal Brief, "Summary of the Claimed Subject Matter" is now in conformity with the rules of the Board of Patent Appeals and Interferences, and consequently, Appellant's Appeal Brief is in condition for docketing before the Board. The same is respectfully requested.

SCHWABE, WILLIAMSON & WYATT, P.C.

Dated: August 12, 2009

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